

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PEERLESS INDUSTRIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>COMPLAINT AND JURY DEMAND</b>
	)	
TRIPPE MANUFACTURING CO., a	)	Case No. 14-cv-7941
corporation, d/b/a TRIPP LITE,	)	
	)	
Defendant.	)	

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**COMPLAINT**

Peerless Industries, Inc. (“Peerless”) for its Complaint against Trippe Manufacturing Co. d/b/a Tripp Lite (“Tripp Lite”) alleges:

**PARTIES, JURISDICTION, AND VENUE**

1. This is an action for patent infringement arising out of Tripp Lite’s manufacture and sale of television mounts.
2. Plaintiff Peerless is a company organized and existing under the laws of the state of Delaware, with its principal place of business at 2300 White Oak Circle, Aurora, Illinois 60502. Peerless is a leading manufacturer of audiovisual mounting equipment and protects its intellectual property rights through patents and contracts with its suppliers.
3. On information and belief, Defendant Trippe Manufacturing Co. is a company organized and existing under the laws of the State of Illinois, with its principal place of business at 1111 West 35th Street, Chicago, Illinois 60609.
4. Tripp Lite competes with Peerless in the television mount industry. Tripp Lite has imported, sold, and offered for sale audiovisual mounting products and continues to import, sell, and offer for sale such products in the United States of America, including within this Judicial

District. Included with such audiovisual mounting products Tripp Lite imports, sells, and offers for sale are manuals providing instructions to users on how to complete assembly of the audiovisual mounting products.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) for Peerless's claim of patent infringement, which arises under the patent laws of the United States, 35 U.S.C. § 271 *et. seq.*

6. Venue is proper in this Court under 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b) because Tripp Lite resides within this Judicial District and has committed certain of the acts alleged herein within this Judicial District. In view of the foregoing, Tripp Lite is subject to personal jurisdiction in this state and within this Judicial District and, therefore, resides within this Judicial District for purposes of venue.

## **COUNT I**

### **Infringement of U.S. Patent No. 8,523,129**

7. Peerless restates and realleges paragraphs 1 through 7 of this Complaint as though fully set forth herein.

8. On September 3, 2013, United States Patent No. 8,523,129 ("129 Patent"), entitled "Adjustable Display Mount," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '129 Patent is attached as Exhibit A to this Complaint.

9. Peerless is the owner of all right, title, and interest in and to the inventions covered by the '129 Patent, and Peerless is entitled to receive all damages and the benefits of all other remedies for any infringement thereof.

10. Tripp Lite has made, used, imported, sold, and/or offered to sell, continues to make, use, import, sell, and/or offer to sell, and has caused others to make, use, import, sell,

and/or offer to sell products that infringe, directly or indirectly (through contributing to infringement of others and/or inducing others to infringe), at least one claim of the '129 Patent, including, without limitation, at least the Tripp Lite television mounts bearing Product No. DWT3285L, entitled "Tilt Flat Screen Wall Mount."

11. The making, using, importing, selling, offering to sell, or causing others to make, use, sell, and/or offer to sell infringing products, including the products described in paragraph 10, by Tripp Lite has been without authority or license from Peerless and in violation of Peerless's rights.

12. Tripp Lite has caused and will continue to cause Peerless substantial damage and irreparable injury by infringing the '129 Patent.

13. On information and belief, Tripp Lite had knowledge of the '129 Patent at the time it committed acts of infringement of the '129 Patent, and, thus, its infringement was willful.

14. Peerless will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Tripp Lite is enjoined from infringing the '129 Patent.

15. Peerless is entitled to recover from Tripp Lite damages in an amount sufficient to compensate Peerless for Tripp Lite's infringement of the '129 Patent, together with prejudgment interest thereon.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment against Tripp Lite as follows:

- A. For a judgment that Tripp Lite has infringed the '129 Patent;
- B. For an order preliminarily and permanently enjoining Tripp Lite and its officers, agents, employees, parents, subsidiaries, affiliates, divisions, successors, and all persons in privity or active concert or participation with them from infringing the '129 Patent;

C. For an order directing Tripp Lite to file with the Court and serve on counsel for Peerless, within 30 days after service of any injunction in this case (or within such extended period as the Court may direct), a report in writing under oath setting forth in detail the manner and form by which it has complied with the injunction requested in Paragraph B above;

D. For an award of compensatory damages in an amount subject to proof at trial, together with pre- and post-judgment interest thereon;

E. For a declaration that Tripp Lite's infringement is willful and an award, pursuant to 35 U.S.C. § 284, of increased damages up to three times the actual damages;

F. For an order finding that this case is exceptional under 35 U.S.C. § 285 and awarding Peerless its reasonable attorneys' fees, expenses, and costs incurred in this action; and

G. For an award of such other and further relief as this Court deems just and proper.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury as to all issues so triable in this action.

Respectfully submitted,

Dated: October 10, 2014

By: /s/ James D. Dasso  
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